Court No. 3

Writ Petition No. 296 (M/B) of 2003

Meeta Gupta …… Petitioner

Vs.

State and others …… Respondents

…….

Hon. Irshad Hussain, J.
Hon. M.M. Ghildiyal, J.

Heard Sri Nanak Chandra Gupta, learned counsel for the petitioner and Sri R.B. Agarwal learned counsel for the private respondents.

In a matrimonial dispute between the husband and wife & other relatives, the matter was resolved by a compromise before this Court in First Appeal No. 5 of 2000, whereby the husband was directed to pay a particular amount within a stipulated period. One criminal case was also pending against the husband and other family members. As per compromise, the criminal case has to be withdrawn by the complainant's wife and since the offence is non-compoundable, the petition has been filed to quash the proceedings in that criminal case. In support of his contention, petitioner has placed reliance in the Case of Haji Nihal Ahmad Mahesh Chand and another Vs. State of Rajasthan Vs. Santosh Kaur I(1994) DMC 291- Punjab and Haryana High Court; Yashpal Saini and other Vs. State of Punjab and another I(1996)DMC 463-Punjab and Haryana High Court; Mahesh Chand and another Vs. State of Rajasthan 1990 (Sup)Supreme Court Cases 681 and 2001(42)ACC 376 Jitendra Rajpal Vs. State of U.P.

Considering the law laid down in the aforesaid decision and compromise entered between the parties before the Court, the petition is hereby allowed and the proceedings in criminal case no.1450 of 2001 are hereby quashed and the bail bonds of the accused/respondents are hereby discharged.

(**Irshad Hussain, J.**) (**M.M. Ghildiyal, J.**)

Dt. 28.04.2003

A